

REMARKS

Applicants appreciate the Examiner's thorough examination of the application and request reexamination and reconsideration of the application in view of the preceding amendments and the following remarks. Applicants also acknowledge and appreciate the Examiner's indication that claims 10 and 11 of the subject application would be allowable if rewritten in independent form.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03. Applicants respectfully request reconsideration of the present application in view of the above amendments, the new claim, and the following remarks.

Through the above amendments, Applicants have amended the Abstract to reduce the word count of the Abstract. Additionally, Applicants have amended the claims to address the Examiner's issues regarding formalities and insufficient antecedent basis in the claims, and to rewrite claim 10 in independent form. Also, claims 10 and 12 have been cancelled and new claim 18 has been added through the above amendments.

Objection to the Specification

The Examiner objected to the Abstract of the Disclosure because it exceeds 150 words. Applicants have amended the Abstract to bring the Abstract under 150 words. Accordingly, the objection to the Abstract has been overcome.

Claim Objections

The Examiner objected to claim 1 of the subject application, stating that in Line 3, “its longitudinal axis” should be --a longitudinal axis --. Applicants have amended claim 1 to make the change suggested by the Examiner. Accordingly, the objection to the claims has been overcome.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that there was insufficient antecedent basis for “the second one of the sideshaft gears” in claim 1. Applicants have amended claim 1 to correct the antecedent basis issue raised by the Examiner. Accordingly, the 112 rejection has been overcome.

Claim Rejections – 35 U.S.C. § 102 and § 103

The Examiner rejected claims 1-6 and 12-16 under 35 U.S.C. § 102(b) as being anticipated by Shaffer (U.S. Patent No. 5,611,746) and claims 7-9 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Krisher (U.S. Publication No. 2002/0077212).

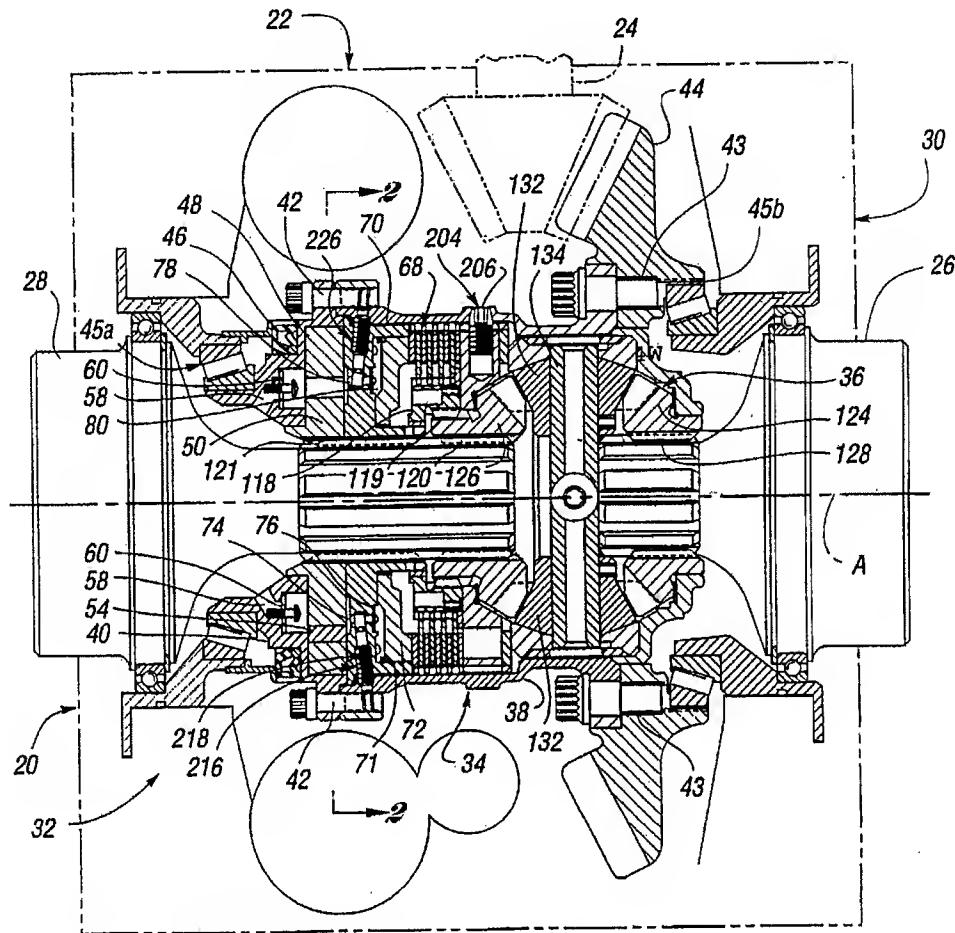
Applicants acknowledge and appreciate the Examiner’s indication that claims 10 and 11 of the subject application would be allowable if rewritten in independent form. Merely to advance the prosecution of the subject application, Applicants have amended claim 1 to include the features of allowable claim 10, and canceled claim 10.

Accordingly, the rejection of independent claim 1 has become moot, and amended claim 1, and dependent claims 2-9, 11 and 13-17, all of which depend from independent claim 1, are patentable over the cited references for at least the above reason.

Applicants have amended the application to include new independent claim 18, which is original claim 12 rewritten in independent form. New claim 18 is directed to an assembly

comprising a differential carrier for a differential drive, which differential carrier is supported so as to be rotatably drivable around a longitudinal axis (A), sideshaft gears which are supported in the differential carrier so as to be coaxially rotatable around the longitudinal axis, differential gears which are supported in the differential carrier on axes of rotation (R) positioned radially relative to the longitudinal axis and which meshingly engage the sideshaft gears, and a multi-plate coupling arranged in the differential carrier so as to extend coaxially relative to the longitudinal axis (A) and to be effective between a first one of the sideshaft gears and the differential carrier, or a second one of the sideshaft gears wherein the differential carrier is formed of a dish-shaped part comprising a base and an integrally formed-on flange, and a cover which is inserted into the dish-shaped part and which is axially fixed by an annular securing element, wherein the cover and the multi-plate coupling, with reference to a plane extending through the axes of rotation (R) of the differential gears, are positioned in the differential carrier on a side located opposite the base and the flange, and wherein the annular securing element is a locking ring which is positioned in an annular groove in the dish-shaped part.

The Examiner alleged that Shaffer disclosed all of the features of original claim 12. However, Shaffer fails to disclose the annular securing element being a locking ring which is positioned in an annular groove in the dish shaped part as claimed by Applicants in claim 18. Fig. 1 of Shaffer is reproduced below.



Specifically, the Examiner alleged that Shaffer discloses an annular securing element (element 40) and an annular groove where element 40 is inserted into the dish shaped part (element 38). However, Shaffer states that “[c]asing 34 as illustrated includes a somewhat cup-shaped member 38 and a cap member 40 which each have peripheral flanges secured to each other by circumferentially spaced bolts 42.” (emphasis added) Col. 3, lines 50-53 of Shaffer. Shaffer clearly states that flanges of elements 40 and 38 are connected together by bolts. This can also be seen in the lower and upper left portions of Fig. 1 of Shaffer, reproduced above, which shows bolts 42 passing through flanges of elements 40 and 38.

Indeed, Shaffer fails to disclose an annular groove in the dish shaped part, let alone a locking ring positioned in an annular groove in the dish shaped part. As such, Shaffer fails to disclose the annular securing element being a locking ring which is positioned in an annular groove in the dish

shaped part as claimed by Applicants. Accordingly, as Shaffer fails to disclose each and every element of independent claim 18 of the subject application, claim 18 is patentable over Shaffer for at least this reason.

Additionally, Shaffer fails to disclose a cover which is inserted into the dish-shaped part and which is axially fixed by an annular securing element as claimed by Applicants in claim 18. The Examiner alleged that Shaffer discloses a cover (element 70) which is inserted into the dish-shaped part and which is axially fixed by an annular securing element (element 40). However, element 70 of Shaffer is a pump housing insert which receives hydraulic pump 48 and interfaces with clutch 68. See Fig. 1 and Col. 4, lines 55-60 of Shaffer. Pump housing insert 70 of Shaffer is an operational element built into cup-shaped member 38 of casing 34. Pump housing insert 70 does not cover anything, but instead comprises transfer ports through which hydraulic fluid is pumped from hydraulic pump 48 to piston chamber 71.

As element 70 of Shaffer is not a cover, Shaffer fails to disclose a cover which is inserted into the dish-shaped part and which is axially fixed by an annular securing element as claimed by Applicants. Accordingly, claim 18 is patentable over Shaffer for at least this additional reason.

CONCLUSION

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed no fees are due with this response. However, if any fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 66968-0021 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

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